



January 12, 2009

Ms. Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street, 23rd Floor
Sacramento, California 95812-4010

Re: Proposition 65 Regulatory Update Project: Warnings for Exposures to Listed Chemicals
in Foods; Exemption for Foods Sold at Retail Locations

Dear Ms. Kammerer:

The California Citrus Quality Council (CCQC) represents the California citrus industry on technical and regulatory issues domestically and overseas. We appreciate the opportunity to comment on warning requirements under the Safe Drinking Water and Toxic Enforcement Act of 1986.

CCQC urges the Office of Environmental Health Hazard Assessment (OEHHHA) to exempt foods sold at retail locations from Proposition 65 warning requirements. We recommend this approach since, food ingredients are already regulated by the U.S. Environmental Protection Agency (EPA) and the Food and Drug Administration to ensure that foods are safe for consumers.

EPA evaluates the health risk from various chemicals based on the hazard and exposure to the chemical. This process allows for safe exposure to certain chemicals because the actual risk is a function of the toxicity of the chemical and the length and type of exposure. Unfortunately, Proposition 65 does not weigh the length and type of exposure and requires a warning based only on its potential to cause cancer or reproductive toxicity. This flawed assessment of risk is of little value in determining actual risk.

When it comes to food it is critical that consumers understand “real” risks and that those risks are evaluated in the context of benefits. A warning statement on foods has the potential to drive consumers away from healthy and wholesome food even though there is no unreasonable risk from consuming the food. Warnings typically provide beneficial information that helps consumers make good choices. If OEHHHA requires warning labels for exposures to listed chemicals in foods, consumers will be misled to believe some foods are unsafe or unhealthy when there may be no serious risk to consumers. In the end, this type of warning statement

would diminish the public good by encouraging consumers to avoid healthy foods and make poor food choices.

We urge OEHHA to pursue a rational warning policy that exempts foods sold at retail locations from Proposition 65 warning requirements and recognizes the undeniable protection already afforded consumers in federal laws and regulations.

Please contact me by telephone at (503) 885-1894 or via e-mail at jcranney@calcitrusquality.org if you have any questions or need additional information.

Sincerely yours,

A handwritten signature in black ink, reading "JR Cranney Jr". The signature is written in a cursive, flowing style.

James R. Cranney, Jr.
President

